

**BEFORE THE BOARD OF DESIGN  
REVIEW FOR THE CITY OF  
BEAVERTON, OREGON**

**After recording return to:**  
City of Beaverton, City Recorder:  
4755 SW Griffith Drive  
P.O. Box 4755  
Beaverton, OR 97076

IN THE MATTER OF A REQUEST FOR	)	ORDER NO. 1765
DESIGN REVIEW APPROVAL TO	)	DR2004-0105 ORDER APPROVING REQUEST
CONSTRUCT A 50,000 SQUARE FOOT	)	WITH CONDITIONS.
FINANCIAL CENTER (FIRST TECH	)	
CREDIT UNION AT BEAVERTON CREEK),	)	
SPECHT DEVELOPMENT, APPLICANT.	)	

The matter came before the Board of Design Review on December 2, 2004, on a request for Design Review approval to construct a 50,000 square foot financial center on a portion of a 5.43 acre site. The proposal also includes a 270 space parking lot and associated landscaping. The development site is generally located at SW Beaverton Creek Court and is more specifically identified as Tax Lot 200 and 301 on Washington County Assessor's Map 1S1-08DC. The affected parcel is zoned Campus Industrial (CI) and is approximately 5.43 acres in size.

Pursuant to Ordinance 2050 (Development Code), Sections 40.20.15.3.C and 50.45 the Board of Design Review conducted a public hearing and considered testimony and exhibits on the subject proposal.

1. Steve Pfeiffer, legal counsel for the applicant, testified at the December 2, 2004 hearing with regard to Condition 18 of the Staff Report, dated November 24, 2004, which requires the construction of an approximately 410 lineal foot shared use path on the western edge of the property. Mr. Pfeiffer claimed that the City lacks the authority to require the entire path and, if required, such a

path could be considered a taking of the applicant's property without just compensation.

For purposes of analyzing this request for modification of Condition 18, the Board finds that it is best to examine whether the applicant's request to construct only the southern portion (approximately 275 lineal feet) of the path would be consistent with the Beaverton Development Code and, if not, whether the requirement of a shared-use path pursuant to the Beaverton Development Code is roughly proportional to the impacts resulting from the development of the First Tech financial center.

#### Beaverton Development Code Requirements

Pedestrian and Bicycle Connections are defined in the Beaverton Development Code (BDC), Chapter 90, as follows:

***Bicycle Connection.*** *A continuous, unobstructed, reasonably direct route between two points that is intended and suitable for bicycle use. Bicycle connections include but are not limited to accessways, bicycle lanes, bikeways, shared-use paths and pedestrian bridges.*

***Pedestrian Connection.*** *A continuous, unobstructed, reasonably direct route between two points that is intended and suitable for pedestrian use. Pedestrian connections include but are not limited to sidewalks, walkways, shared-use paths, accessways, ramps, stairways and pedestrian bridges.*

Pursuant to BDC 60.55.25.1, "Bicycle and pedestrian connections shall provide for safe and efficient circulation and access for bicycles and pedestrians." The location of the pedestrian and bicycle connection is either determined by the Beaverton Comprehensive Plan Transportation Element Figures 6.1 through 6.23 and Tables 6.1 through 6.6 (BDC 60.55.25.2) or, if not identified in the Beaverton Comprehensive Plan, shall be determined to be located in such a way as to provide "reasonably direct access between and among neighboring properties" (BDC 60.55.25.3). The Beaverton Comprehensive Plan figures 6.1 and 6.2 identify a future pedestrian and bicycle connection on the site proposed for the First Tech financial center development. This connection is required in order to provide "adequate multi-modal access to land uses, improve area

circulation, and reduce out-of-direction travel”, in accordance with BDC 60.55.25.2.

In a letter dated December 2, 2004, the applicant’s representative, Group Mackenzie, stated, “Specht Development supports the overall objective to complete the trail connection, however disagrees with the proposed First Tech Credit Union development assuming the full burden of paying for the entire trail connection”. The letter goes on to explain that it is the applicant’s intention that the parcel upon which the development is proposed (herein referred to as Tax Lot 200) will be divided into two parcels and one tract, and the applicant is supportive of developing the path on Lot 1 and on the tract, but requests that Condition 18 be modified so that it does not require construction of the path on Lot 2. Although preliminary approval for the partition by which these lots would be created has been granted (LD2004-0032, effective 12/13/2004), preliminary approval is not sufficient to create separate legal lots of record or parcels. For the purposes of the application to develop the First Tech financial center, therefore, the Board finds that the boundaries of the parcel under development are the current legal boundaries of Tax Lot 200. Accordingly, since BDC 60.55.25.4 requires that “Streets and bicycle and pedestrian connections shall extend to the boundary of the parcel under development and shall be designed to connect the proposed development’s streets, bicycle connections, and pedestrian connections to existing and future streets, bicycle connections, and pedestrian connections”, the Board finds that the development is required to provide the shared-use path from the southern property line of Tax Lot 200 to its northern property line.

The Board concludes that modification of Condition 18 to require the construction of only the southern portion (approximately 275 lineal feet) of the path would not be in compliance with the Beaverton Development Code because it would not provide safe and efficient circulation and access for bicycles and pedestrians in accordance with 60.55.25.1, would not implement the pedestrian and bicycle connection required by the Beaverton Comprehensive Plan (BDC 60.55.25.2), would not extend to the boundaries of the parcel proposed for

development, and would not connect to the existing pedestrian and bicycle connections on the parcels to the north and south of Tax Lot 200, as required by BDC 60.55.25.4.

Does a Shared Use Path Requirement Constitute an Unlawful “Taking” Under *Dolan*?

The applicant argues that the condition to construct a shared use path along the entire length of Tax Lot 200 violates *Dolan v. City of Tigard*, 512 US 374 (1994), in that the condition creates an unconstitutional taking of Specht’s property without “just compensation” because it is an offsite improvement that results in an increased cost to the First Tech financial center development.

The Board understands that in *Nollan v. California Coast Commission*, 483 US 825 (1987), the US Supreme Court required that there must be a “nexus” between the requirement and the public purpose to be served. In *Dolan v. City of Tigard*, 512 US 374 (1994), the City of Tigard required the dedication of a public pathway but did not quantify the degree to which the project would create, and hence the pathway would offset, traffic demand. *Dolan* addresses the degree to which the findings must show that the exaction is proportional to the public harm created by the development:

“We think a term such as ‘rough proportionality’ best encapsulates what we hold to be the requirement of the Fifth Amendment. No precise mathematical calculation is required, but the city must make some sort of individualized determination that the required dedication is related [roughly proportional] both in nature and extent of the proposed development.”

The court went on to admonish that:

“The city must make some effort to quantify its findings in support of the dedication for the pedestrian/bicycle pathway beyond the conclusionary statement that it could offset some traffic demand generated”.

*Dolan v. City of Tigard*, 512 US 374 (1994)

The Board concludes that *Nollan/ Dolan* requires the City to show: (a) a public need; (b) an impact on the public system caused by the proposed

ORDER NO. 1765 - 4

development; and (c) that the exaction imposed is roughly proportional (but not to mathematical precision) to the nature and extent of the impact caused by the proposed development.

#### A. Public Need

The Board finds that the public purpose for pedestrian and bicycle connectivity can best be shown by examination of the site. Currently, Tax Lot 200 is a vacant parcel with a community park, Beaverton Wetlands Park, to the south and the Beaverton Creek Business Park office park development to the north and east of the site. Immediately west of the site is a rail track running north south along the entire length of the parcel. The North Johnson Creek trail has already been constructed to the west of the rail line, on both the Beaverton Wetlands Park parcel and on the developed Beaverton Creek Business Park parcel to the north of the site, leaving and approximately 410 lineal foot stretch between the constructed segments where Tax Lot 200 is located. The trail is designed to connect Tualatin Valley Highway to Millikan Way, which provides access to the THPRD Nature Park, located several hundred feet from the northern terminus of the trail. Currently, trail users are required to cut across Tax Lot 200 in order to utilize the trail, as evidenced by the dirt path referenced on the applicant's Existing Conditions Plan.

#### B. Impact on Public Systems

The First Tech financial center proposes a 50,000 square foot office building and 270 parking stalls, the maximum number of parking stalls permitted by the Beaverton Development Code for this specific use type. Assuming that only one employee or visitor occupies each car, up to 270 people can drive to the site. This does not include the people who walk, ride the bus, or bike to the site. These people all potentially contribute to the pedestrian and/or bicycle traffic on the City's pathway system as those employees and customers may walk or bike for recreational purposes to the Beaverton Wetlands Park or THPRD Nature Park. The applicant seeks to diminish the development's impact

by pointing out that demand for the trail is already high, as evidenced by the existing dirt path that has been worn into the site by the high amount of use the trail receives. The Board finds that the existence of a public need for the path at the time of development does not negate or detract from the development's impact on that public system. Furthermore the Board finds that adding additional pedestrian and/or bicycle traffic on the public system through development of a large office complex clearly increases, not decreases, the development's impact on the public system.

C. Proportionality of path to impact on public system

The Board finds that:

1. The distance of the required path, as conditioned, is approximately 470 lineal feet
2. The distance of the shared use path existing on the Beaverton Creek Business Park parcel to the north of the site (part of the same office complex and owned and developed by the applicant) is approximately 710 lineal feet
3. The number of employees and customers that would potentially utilize the building can be based on the minimum parking requirements for each specific use. Although the development provides 270 spaces which are far more than required by the minimum parking standards, a more accurate analysis can be attained by basing the estimate on the minimum parking requirement rather than the maximum.
4. The number of employees and customers that would potentially use the First Tech financial center is approximately 165. This is based on the building size information supplied by the applicant during the review of the building (DR2004-0105) and current minimum parking calculations found in BDC 60.30.10.5.
5. The number of employees and customers that potentially use the Beaverton Creek Business Park parcel to the north of the site (part of the same office complex and owned and developed by the applicant) is approximately 94. This is based on the building size information supplied by the applicant during the review of the building (BDR12-92) and current minimum parking calculations found in BDC 60.30.10.5.

6. The amount of lineal footage of pathway provided by the applicant for the development of the Beaverton Creek Business Park parcel to the north of the site is a reasonable guideline to estimate the amount of pedestrian and bicycle usage that can be expected to exist. Occupants of business structures can be expected to utilize the pedestrian and bicycle facilities to access the site and for active and passive recreation during break and lunch times.

The Board concludes that *Dolan* requires that any exaction imposed upon a development be “roughly proportional” to the degree of burden created by the development. Assuming the minimum number of customers for both the First Tech financial center and the Beaverton Creek Business Park parcel to the north of the site, the imposition of approximately 410 feet of shared use pathway on Tax Lot 200, as contrasted with the approximately 710 feet of shared use pathway that the applicant has already contributed to the system through the development of the Beaverton Creek Business Park parcel to the north of the site, is roughly proportional. (To apply a strict mathematical analysis, each of the estimated 94 employees and customers of the Beaverton Creek Business Park parcel to the north of the site has contributed an average of 7.57 lineal feet of shared use path. As conditioned, each of the estimated 165 employees and customers of the First Tech financial center will contribute an average of 2.84 lineal feet of shared use path). In point of fact, the employees and customers of the First Tech financial center would be contributing less than the employees and customers of the Beaverton Creek Business Park parcel to the north of the site, not more. Therefore, the Board concludes that the approximately 410 lineal foot shared use path exaction for the development of the First Tech financial center meets the rough proportionality test of *Dolan*.

2. The applicant submitted a letter from Group Mackenzie referring to the City’s requirement for the timing of path construction. In response to the applicant’s letter the Facilities Review Committee modified Condition of Approval 18 of the Staff Report, dated November 24, 2004, to require the construction of the shared use path prior to occupancy permit issuance rather

than prior to building permit issuance. Condition 18 has been renumbered accordingly as Condition 19.

3. The applicant submitted a letter from Group Mackenzie and provided testimony at the December 2, 2004 hearing, in request of a modification of Condition 32 of the Staff Report dated November 24, 2004. The condition requires spacing of 30 inches on center for ground cover plantings in four inch containers. The applicant proposes plantings of 1 gallon size and requested modification to the standard 30 inch spacing requirement to reflect the larger plant size. In response to the applicant's letter the Board modified Condition of Approval 32 of the Staff Report to read:

*"Ensure ground cover plantings are installed at a maximum of **36** inches on center and **36** inches between rows. Rows of plants are to be staggered for a more effective covering. Ground cover shall be supplied in a minimum **1 gallon** size container."* (Modification to condition in bold.)

**IT IS HEREBY ORDERED that DR2004-0105 is APPROVED**, based on the testimony, reports and exhibits presented during the public hearing on the matter and upon the background facts, findings, and conclusions found in the Staff Report dated November 24, 2004 and this Land Use Order, subject to the following conditions:

**Prior to issuance of the Site Development Permit, the applicant shall:**

1. Contract with a professional engineer (or professional architect if allowed by the City Engineer) to design and monitor the construction for any work governed by Beaverton Municipal Code 9.05.020, as set forth in Ordinance 4303 (City Engineering Design Manual and Standard Drawings), Beaverton Development Code (Ordinance 2050, 4010 +rev.), the Clean Water Services District Design and Construction Standards (February 2004, Resolution and Ordinance 2004-009), and the City Standard Agreement to Construct and Retain Design Professionals in Oregon. (Site Development Div./JJD)
2. Submit a completed and executed City Standard Agreement to Construct Improvements and Retain Design Professional Registered in Oregon. After the site development permit is issued, the City Engineer and the



Planning Director must approve all revisions as set out in Ordinances 2050, 4010+rev., and 4303; however, any required land use action shall be final prior to City staff approval of the engineering plan revision and work commencing as revised. (Site Development Div./JJD)

3. Have the ownership of the subject property guarantee all public improvements, storm water management (quality) facilities, site grading, and common driveway/fire access paving by submittal of a City-approved security. The security approval by the City consists of a review by the City Attorney for form and the City Engineer for amount, equivalent to 100 percent or more of estimated construction costs. (Site Development Div./JJD)
4. Submit any required off-site easements, executed and ready for recording, to the City after approval by the City Engineer for legal description of the area encumbered and City Attorney as to form. (Site Development Div./JJD)
5. Have obtained the City Building Official's approval of the private plumbing plan for facilities regulated under the Uniform Plumbing Code with Oregon Amendments. Revised plans showing a public fire hydrant system on site will be required with the site development permit application as the submitted drawings show a private fire hydrant system which is contrary to City standards. A public water line easement per City standards will be required for this public fire hydrant system. Additionally, at the public sanitary sewer connection, a new manhole will be constructed because of the proposed building lateral pipe diameter. (Site Development Div./JJD)
6. Have obtained the Tualatin Valley Fire and Rescue District Fire Marshal's approval of the site development plans. (Site Development Div./JJD)
7. Submit a detailed water supply analysis (Fire Flow) to the City Building Official in accordance with the requirements of the Fire Code as adopted by the Tualatin Valley Fire and Rescue. This analysis shall consist of an actual flow test and analysis by a professional engineer meeting the standards set by the City Engineer. The analysis shall provide the available water volume (GPM) at 20 psi residual pressure from the fire hydrant nearest to the proposed project. (Site Development Div./JJD)
8. Submit a copy of issued permits or other approvals needed from the Clean Water Services District for storm system connections. (Site Development Div./JJD)
9. Submit a completed 1200-C General Permit (DEQ/CWS/City Erosion Control Joint Permit) application to the City. (Site Development Div./JJD)
10. Submit a copy of issued permits or other approvals if needed from the State of Oregon Division of State Lands and the United States Army

Corps of Engineers (for work within a jurisdictional wetland). (Site Development Div./JJD)

11. Provide plans showing a stormfilter vault (for treatment of the site's piped surface water runoff) with a minimum of 3.0 cartridges per impervious acre. Plans shall also show a trash capture water quality pre-treatment manhole (CDS manhole or City of Beaverton approved equivalent as determined by City Engineer) located in front any stormfilter vaults. Plans shall also show a high flow bypass system to bypass surface water runoff high flows (flows greater than the 5-year design storm) around the stormwater vaults. (Site Development Div./JJD)
12. Provide plans for the placement of underground utility lines along street frontages, within the site, and for services to the proposed new development. (Site Development Div./JJD)

**Prior to building permit issuance, the applicant shall:**

13. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div./JJD)
14. Make provisions for installation of all mandated erosion control measures to achieve City inspector approval at least 24 hours prior to call for foundation footing form inspection from the Building Division. (Site Development Div./JJD)
15. Have a professional architect or engineer submit plans and specifications to the City Engineer and City Building Official verifying that the lowest finished floor is proposed at least one foot above (elevation 169 feet and higher) or flood-proofed with flood resistant construction to one foot above the base flood elevation (BFE is 168 feet). (Site Development Div./JJD)
16. Submit to the City a certified impervious surface determination of the proposed project prepared by the applicant's engineer, architect, or surveyor. The certification shall consist of an analysis and calculations determining the square footage of all impervious surfaces as a total. In addition, specific types of impervious area totals, in square feet, shall be given for roofs, parking lots and driveways, sidewalk and pedestrian areas, and any gravel surfaces. Calculations shall also indicate the square footage of pre-existing impervious surfaces, the new impervious surface area created, and total final impervious surfaces areas on the entire site or individual tax lots if applicable. (Site Development Div./JJD)
17. Pay a storm water system development charge (overall system conveyance and for quantity, winter storm detention) for the net new impervious area proposed. (Site Development Div./JJD)
18. Ensure that Design Review approval has not expired. In accordance with Section 50.90.1 of the Development Code, Design Review approval shall

expire after two (2) years from the date of approval unless prior to that time a construction permit has been issued and substantial construction pursuant thereto has taken place, or an application for extension is filed pursuant to Section 50.93, or that authorized development has otherwise commenced in accordance with Section 50.90.3.B. (Dev. Ser. Div., LK)

**Prior to occupancy permit issuance, the applicant shall:**

19. Construct an 8-foot wide shared use path within a 12-foot easement on the western edge of the site from the north property line south to just south of the southern property line to connect to the existing regional trail. (Transportation/ DRG)
20. Provide 7 short term and 7 long term secured bicycle parking spaces for the 50,000 sq ft financial institution building use. (Transportation/ DRG)
21. Have placed underground all existing overhead utilities and any new utility service lines within the project and along any existing street frontage, except high voltage lines (>57kV). (Site Development Div./JJD)
22. Install or replace, to City specifications, all sidewalks which are missing, damaged, deteriorated, or removed by construction. (Site Development Div./JJD)
23. Have the stormwater treatment system that serves the tributary drainage area of the particular building permit site fully functional and operational. (Site Development Div./JJD)
24. Have obtained an Industrial Sewage Permit from the Clean Water Services District (CWS, formerly USA) and submitted a copy to the City Building Official if an Industrial Sewage permit is required, as determined by CWS. (Site Development Div./JJD)
25. Have a professional architect, engineer, or surveyor submit a certification on Federal Emergency Management Agency (FEMA) standard form, to the City Building Official, verifying that the lowest finished floor is at least one foot above (elevation 169 feet or higher) or flood-proofed with flood resistant construction to one foot above the base flood elevation (BFE is 168 feet). (Site Development Div./JJD)
26. Ensure all site improvements, including grading and landscaping is completed in accordance with plans marked "Exhibit A". (On file at City Hall). (Dev. Ser. Div., LK)
27. Ensure all construction is completed in accordance with the Materials and Finishes form and Materials Board, both marked "Exhibit B", except as modified by the decision making authority in conditions of approval. (On file at City Hall). (Dev. Ser. Div., LK)

28. Ensure construction of all buildings, walls, fences and other structures are completed in accordance with the elevations and plans marked "Exhibit C". (On file at City Hall). (Dev. Ser. Div., LK)
29. Ensure all landscaping and fencing approved by the decision making authority for commercial, industrial, and non-residential mixed-use development is installed unless a performance security, equal to 110 percent of the cost of the landscaping not so installed, is filed with the City assuring such installation within six months of occupancy. All performance securities submitted shall itemize the cost of materials and labor. (Dev. Ser. Div., LK)
30. Ensure that the planting of all approved deciduous trees, except for street trees or vegetation approved in the public right-of-way, has occurred. Deciduous trees shall have straight trunks and be fully branched, with a minimum caliper of 1-1/4 inches and a minimum height of 8 feet at the time of planting, except that dwarf and compact varieties may be approved at any size. Deciduous trees may be supplied bare root provided the roots are protected against damage. Each tree is to be adequately staked. (Dev. Ser. Div., LK)
31. Ensure coniferous trees, having been balled and burlapped or grown within suitable containers for one year, are planted. Each tree shall be a minimum of six (6) feet in height, except that dwarf and compact varieties may be approved at any size. All trees shall be fully branched and adequately staked at the time of planting. (Dev. Ser. Div., LK)
32. Ensure ground cover plantings are installed at a maximum of 36 inches on center and 36 inches between rows. Rows of plants are to be staggered for a more effective covering. Ground cover shall be supplied in a minimum 1 gallon size container. (Dev. Ser. Div., LK)
33. Ensure deciduous or evergreen shrubs are installed at a minimum, using one-gallon containers or eight (8) inch burlap balls with a minimum spread of 12 inches to 15 inches. (Dev. Ser. Div., LK)
34. Ensure landscaped areas approved to be planted in lawn have sod installed between November 1 and March 1, and between June 1 and September 1 of the year. Grass seed is approved as an option at other times of the year. Sod may be placed at any time of year. This condition is not applicable to special seed mixes approved for use in natural resource areas, steep slopes, or in areas for the primary purpose of erosion control. (Dev. Ser. Div., LK)
35. Ensure off-street parking, loading and driveway area are screened from streets and surrounding properties within landscape area, containing at a minimum, evergreen and/or deciduous plant material with a minimum height of 30 inches. Where landscaped berms, walls, raised planters or

similar features of at least 30 inches in height have been approved to screen streets and surrounding properties, the plant materials are not required. (Dev. Ser. Div., LK)

36. Ensure landscaping within off-street parking lots is installed to the standard of one landscaped planter island or area, per approximately every 12 parking spaces provided. The size of such islands or areas shall be a minimum of 8 feet in width by the depth of an abutting parking stall. The area of landscaped screening on the perimeter of parking lots shall not be used toward meeting the area requirement of parking lot islands. (Dev. Ser. Div., LK)
37. Ensure all landscape areas are served by an underground landscape irrigation system. For approved xeriscape (drought tolerant) landscape designs and for the installation of native or riparian plantings, underground irrigation is not required provided that temporary above-ground irrigation is provided for the establishment period. (Dev. Ser. Div., LK)
38. Ensure all rooftop mechanical equipment, vents, and similar features are screened from public view, as viewed from streets and sidewalks, or placed within the buildings or otherwise made an integral part of the structure. Materials and colors of rooftop screening shall consist of at least one materials and color used on building elevations. (Dev. Ser. Div., LK)

**Prior to release of performance security, the applicant shall:**

39. Have completed the site development improvements as determined by the City Engineer and met all outstanding conditions of approval as determined by the City Engineer and Planning Director. Additionally, the applicant and professional(s) of record shall have met all obligations under the City Standard Agreement to Construct Improvements and Retain Design Professional Registered in Oregon, as determined by the City Engineer. (Site Development Div./JJD)
40. Submit any required on-site easements (minimum for the proposed new fire hydrant system as public water line easement), if not already satisfied by the recording of the partition plat, executed and ready for recording, to the City after approval by the City Engineer for area encumbered and City Attorney as to form. The applicant's engineer or surveyor shall verify all pre-existing and proposed easements are of sufficient width to meet City standards. (Site Development Div./JJD)
41. Provide evidence satisfactory to the City Utilities Engineer of a pre-paid service contract with Stormwater Management, Inc., for maintenance of the StormFilters consisting of cartridge replacement and sediment removal per manufacturer's recommendations for a two year period from the date of

performance acceptance of the system. (Site Development Div./JJD)

42. Provide an additional performance security for 100 percent of the cost of plants, planting materials, and any maintenance labor (including irrigation) necessary to achieve establishment of the treatment vegetation within the vegetated corridor, and the wetland mitigation areas, as determined by the City Engineer. If the plants are not well established (as determined by the City Engineer and City Operations Director) within a period of two years from the date of substantial completion, a plan shall be submitted by the engineer of record and landscape architect (or wetland biologist) that documents any needed remediation. The remediation plan shall be completely implemented and deemed satisfactory by the City Operations Director prior to release of the security. (Site Development Div./JJD)

**CARRIED** by the following vote:

**AYES:** Collins, Beighley, Nardozza, Shipley, Straus, and Doukas.  
**NAYS:** None.  
**ABSTAIN:** None.  
**ABSENT:** Weathers.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

To appeal the decision of the Board of Design Review, as articulated in Land Use Order No. 1765, an appeal must be filed with the City of Beaverton Recorder's Office by no later than 5:00 p.m. on \_\_\_\_\_, 2005.

BOARD OF DESIGN REVIEW  
FOR BEAVERTON, OREGON:

ATTEST:

APPROVED:

\_\_\_\_\_  
LAURA KELLY  
Assistant Planner

\_\_\_\_\_  
MIMI DOUKAS  
Chair

\_\_\_\_\_  
STEVEN A. SPARKS, AICP  
Development Services Manager